

### REMARKS

Claims 1-15 and 19-32 are pending in the present application.

The claims are believed to be allowable for the reasons set forth herein. Notice thereof is respectfully requested.

#### Comments Regarding "Response to Arguments"

In part a. the Office has argued that Kinard et al. discloses up to 1000 ppm water by weight. This is incorrect. Kinard et al. discloses less than 1000 ppm by weight which does not overlap with the lower claim limit. The Office has repeatedly relied on a position that the water level is inherently between 0.1 and 2.0 wt% due to the absorption of water from the atmosphere. This is in conflict with the direct teachings of Kinard et al. and completely ignores the background wherein the care required to have low water content is described. The position of the Office is unsupported and in conflict with the teachings of the cited reference. Applicants respectfully request that this position be supported on the record or abandoned.

In further contradiction to the position of the Office is Example 7 of Kinard et al. In Example 7, Kinard et al. demonstrated that a water content above 1000 ppm gives rise to

limiting thickness behavior in glycerine solutions of dibasic potassium phosphate. It is interesting to note that if the water content was inherently above 1000 ppm, as stated by the Office, Kinard et al. would not have to add water to reach that level. This clearly points out the inconsistency of the unsupported position taken by the Office.

In part b. the Office opines that paragraph 12 of the instant application teaches stabilization processes which have been developed to overcome the problems addressed in paragraph 11. This is not a method of overcoming the problem but a method of quantifying the oxygen level in the interior of the anode metal. The deficiency is still created by the anodization process. A technique is provided for exposing the flaws created such that they can be studied.

#### Claim Rejections - 35 USC § 103

Claims 1-15 and 19-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinard et al. (US 5,837,121) in view of Ball et al. (US 4,481,083).

Kinard et al. is cited as teaching a method of preparing an anode plate for a capacitor including the steps of fabricating an aluminum plate, contacting the plate with an anodizing solution of water (due to the unsupported inherency argument)

and 0.1 to 15 wt% dibasic potassium phosphate. The Office correctly points out that Kinard et al. fails to teach anodizing at more than 220 volts.

The Office opines that Kinard et al. teaches that the thickness of the formed anodized layer was proportional to applied voltage. In contrast to the position of the Office, Kinard et al. teaches an anodizing solution for non-limiting thickness growth wherein the thickness of the anode layer grows continually at a given voltage. Kinard et al. teaches against increased voltage since the thickness can be obtained at a low voltage.

The Office also correctly states that Kinard et al. fails to teach the pre-hydrating step and relies on Ball for this teaching.

Ball et al. clearly teaches that the maximum amount of phosphate present is 50 ppm (col. 2 lines 59-61). Otherwise the electrolyte scintillates at the foil interface and unstable foil is produced. If one attempted to modify the anodizing solution of Kinard by incorporating the teachings of Ball et al., they would quickly reach an unresolvable dilemma. Kinard et al. teaches an anodizing solution with a phosphate level of 0.1 wt% or higher with less than 1000 ppm of water. Ball et al. recites

an anodizing solution with less than 50 ppm (0.005 wt%) phosphate and an aqueous solution.

If the teachings of Kinard et al. were modified to incorporate the water content of Ball et al., it would destroy the ability to grow non-limited thickness anodic film at a given voltage thereby defeating the purpose of Kinard et al. If the phosphate level of Kinard et al. were used in the teachings of Ball et al., one of skill in the art would anticipate the electrolyte to scintillate at the foil interface creating damaged, unstable film. The anodizing solutions of Kinard et al. and Ball et al. are mutually exclusive and one cannot be selectively modified by the other.

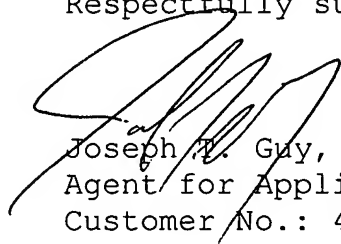
The combination of Kinard et al. and Ball et al. is a hindsight, inoperative, combination based only on the teachings of the present invention. When considered for what they teach, the combination would be expected to lead to catastrophic failure.

The rejection of claims 1-15 and 19-32 under 35 U.S.C. 103(a) as being unpatentable over Kinard et al. (US 5,837,121) in view of Ball et al. (US 4,481,083) is traversed. Notice thereof is respectfully requested.

### CONCLUSIONS

Claims 1-15 and 19-32 are pending in the present application. All claims are believed to be in condition for allowance. Notice thereof is respectfully requested.

Respectfully submitted,



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